

ORDINANCE NO. 113

AN ORDINANCE AMENDING THE RED WING CITY CODE  
CONCERNING INSTALLATION OF SIDEWALKS

THE CITY COUNCIL OF THE CITY OF RED WING DO ORDAIN:

Section 1. INSTALLATION OF PUBLIC SIDEWALKS. Section 11.70, Subd. 3(M)(6), of the Red Wing City Code is hereby amended by deleting the [bracketed language] shown below and adding the underlined language, to read as follows:

SEC. 11.70. PERMITS, AMENDMENTS, APPEALS AND VARIANCES

Subd. 3. Building Permits and the Building Code.

M. The property owner to whom a building permit is issued for a new dwelling in zones R-1, R-2, R-3, RM-1, RM-2, and PRD shall install public sidewalk on said property pursuant to the terms of this paragraph.

6. No variance to this subdivision shall be granted without the approval of the City Council. [No variance to this subdivision shall be granted unless the property owner can show that strict enforcement of this subdivision would result in unnecessary hardship.] A variance may be granted upon a determination by the Council that a hardship, not caused or created by the property owner, exists as the result of any of the following circumstances:

- a. Topography. The topography of the lot is such that the driveway grade exceeds twenty percent (20%) when measured in a straight line from the top of the curb to the garage floor. No variance may be granted for lots with driveway access from a different street or alley.
- b. Continuity. No sidewalks exist on any lot within 200 feet of said property and 2/3rds of all lots in the same block face (located in the same block and abutting the same street) are occupied by an inhabited residential dwelling.
- c. Insufficient Right of Way. Insufficient street right-of-way exists to construct a four (4) foot wide sidewalk between the back of the curb and the adjacent private property.

Variations for reasons of continuity and/or insufficient right-of-way shall only be granted upon condition that the property owner grade the boulevard and adjacent areas for future installation of sidewalk, place or install no trees, fences, or obstructions in the sidewalk right-of-way, and agree to pay all costs of future sidewalk installation. A change in the above stated circumstances, or noncompliance with any of the listed conditions may, at the discretion of the Council, result in a revocation or denial of a variance.

Section 2. Effective Date. This ordinance shall be effective from its passage and publication in accordance with the City Charter.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF RED WING, MINNESOTA, THIS 9th DAY OF September, 1991.

Thomas E. Lynn  
Mayor

ATTEST:

B. C. Weed  
City Clerk/Treasurer

First Reading: 8-26-1991  
Second Reading: 9-9-1991

## Ordinance No. 407, Third Series

### An Ordinance Amending *Chapter 7: Streets and Sidewalks Generally* of the Red Wing City Code

THE CITY COUNCIL OF THE CITY OF RED WING DOES ORDAIN:

**SECTION 1:** Section 7.06, subd. 5 of the City Code is hereby amended by deleting the ~~overstruck~~ language and inserting the underlined language:

#### **SEC. 7.06, subd. 5**

**Subd. 5.** Notwithstanding any provision herein to the contrary, the following provisions shall apply to the installation of public sidewalks, at the earliest of the following:

- A. At such time as public sidewalks have been installed on two-thirds (2/3) of all the lots on any block face, public sidewalks shall be installed on the remaining undeveloped lots on that block face, pursuant to Subdivision 1 herein, at the property owner's expense.
- B. At such time as public sidewalks have been installed on two-thirds (2/3) of all the lots in any block, public sidewalks shall be installed on the remaining undeveloped lots in that block, pursuant to Subdivision 1 herein, at the property owner's expense.
- C. Five years after the date on which the City Council accepted public street improvements on any plat, public sidewalks shall be installed on the remaining undeveloped lots in that plat, on which public sidewalks have not been installed, pursuant to Subdivision 1 herein, at the property owner's expense.
- D. A building permit is issued for a new dwelling in zones R-1, R-2, R-3, RM-1, RM-2 or PRD, in which case the property owner shall be responsible for installation and expense of the sidewalk.
- DE. No variance to this subdivision shall be granted without the approval of the City Council. No variance to this subdivision shall be granted unless the property owner can show that strict enforcement of this subdivision would result in unnecessary hardship not caused or created by the property owner.
- F. If a property owner who is responsible for the installation of a sidewalk hereunder has failed to install the sidewalk within six months after issuance of the occupancy permit and has not obtained a variance, the City Engineer may provide for the installation of the sidewalk, and costs may be charged back to the property.

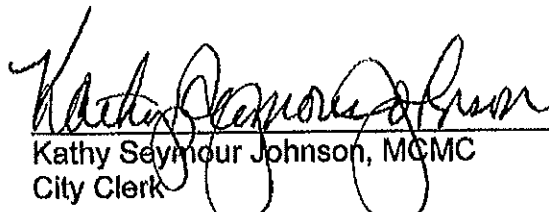
**SECTION 2: Effective Date.** This ordinance shall be in full force and effect after its adoption and publication in accordance with the City Charter.

Introduced the 11th day of September, 2006

Adopted the 25th day of September, 2006

  
\_\_\_\_\_  
Stephen Castner, Council President


ATTEST:

  
\_\_\_\_\_  
Kathy Seymour Johnson, MCMC  
City Clerk

(seal)

Presented to the Mayor at 11.15 p.m. on this 25<sup>th</sup> day of September, 2006.

Approved this 25<sup>th</sup> day of September, 2006.

  
\_\_\_\_\_  
Donna Dummer, Mayor

## Ordinance No. 423, Third Series

### An Ordinance Amending *Chapter 7: Streets and Sidewalks Generally* of the Red Wing City Code

THE CITY COUNCIL OF THE CITY OF RED WING DOES ORDAIN:

**SECTION 1:** Section 7.06, subd. 5 of the City Code is hereby amended by deleting the ~~overstruck~~ language and inserting the underlined language:

#### **SEC. 7.06, subd. 5**

**Subd. 5.** Notwithstanding any provision herein to the contrary, the following provisions shall apply to the installation of public sidewalks, at the earliest of the following:

- A. At such time as public sidewalks have been installed on two-thirds (2/3) of all the lots on any block face, public sidewalks shall be installed on the remaining undeveloped lots on that block face, pursuant to Subdivision 1 herein, at the property owner's expense.
- B. At such time as public sidewalks have been installed on two-thirds (2/3) of all the lots in any block, public sidewalks shall be installed on the remaining undeveloped lots in that block, pursuant to Subdivision 1 herein, at the property owner's expense.
- C. Five years after the date on which the City Council accepted public street improvements on any plat, public sidewalks shall be installed on the remaining undeveloped lots in that plat, on which public sidewalks have not been installed, pursuant to Subdivision 1 herein, at the property owner's expense.
- D. A building permit is issued for a new dwelling in zones R-1, R-2, R-3, RM-1, RM-2 or PRD, in which case the property owner shall be responsible for installation and expense of the sidewalk; except that new dwelling frontage on rural designed street sections shall not require sidewalk installation until such time as the street is reconstructed to an urban design.
- E. No variance to this subdivision shall be granted without the approval of the City Council. No variance to this subdivision shall be granted unless the property owner can show that strict enforcement of this subdivision would result in unnecessary hardship not caused or created by the property owner.
- F. If a property owner who is responsible for the installation of a sidewalk hereunder has failed to install the sidewalk within six months after issuance of the occupancy permit and has not obtained a variance, the

City Engineer may provide for the installation of the sidewalk, and costs may be charged back to the property.


**SECTION 2: Effective Date.** This ordinance shall be in full force and effect fourteen (14) days after its adoption and publication in accordance with the City Charter.

Introduced the 29th day of May, 2007

Adopted the 11th day of June, 2007

  
\_\_\_\_\_  
Carol M. Duff, Council President


ATTEST:

  
\_\_\_\_\_  
Kathy Seymour Johnson, MCMC  
City Clerk

(seal)

Presented to the Mayor at 8:16 p.m. on this 11th day of June, 2007.

Approved this 11th day of June, 2007.

  
\_\_\_\_\_  
Donna Dummer, Mayor

No invoice will follow. Please pay from this affidavit. Thank you!

**AFFIDAVIT OF PUBLICATION**

State of Minnesota

SS

County of Goodhue

**Peri Williams** being duly sworn, on oath says that he/she is the publisher or authorized agent and employee of the publisher of the newspaper known as the Republican Eagle, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a legal newspaper, as provided by Minnesota Statute 331A.02, 331A.07 and other applicable laws, as amended.

(B) The printed **ORDINANCE NO. 423**

which is attached was cut from the columns of said newspaper, and was printed and published **1** time(s) for **1** week(s). It was first published on **FRIDAY** the **29TH** day of **JUNE** **2007** and was thereafter printed and published:

AND INCLUDING


REPUBLICAN EAGLE

BY: Peri Williams

TITLE: **LEGAL NOTICE CLERK**

Subscribed and sworn to before me on this **2ND** DAY OF **JULY** **2007**

*[Signature]*  
Notary Public

 **KAREN M. GEORGAKAS**  
Notary Public-Minnesota  
My Commission Expires Jan 31, 2012

**RATE INFORMATION**

- 1) Lowest classified rate paid by commercial users for comparable space **0.95**  
(Line or inch rate)
- 2) Maximum rate allowed by law for the above matter **1.10**  
(Line or inch rate)
- 3) Rate actually charged for the above matter **1.05**  
(Line or inch rate)
- 4) Publication Fee **\$113.40**

**PAYMENT ID # 20420788**

**Ordinance No. 423 Third Series An Ordinance Amending Chapter 7: Streets and Sidewalks Generally of the Red Wing City Code THE CITY COUNCIL OF THE CITY OF RED WING DOES ORDAIN:**

**SECTION 1:** Section 706, subd. 5 of the City Code is hereby amended by deleting the ~~existing~~ language and inserting the underlined language:  
**SEC. 706, subd. 5**

**Subd. 5.** Notwithstanding any provision herein to the contrary, the following provisions shall apply to the installation of public sidewalks, at the earliest of the following:

A. At such time as public sidewalks have been installed on two-thirds (2/3) of all the lots on any block face, public sidewalks shall be installed on the remaining undeveloped lots on that block face, pursuant to Subdivision 1 herein, at the property owner's expense.

B. At such time as public sidewalks have been installed on two-thirds (2/3) of all the lots in any block, public sidewalks shall be installed on the remaining undeveloped lots in that block, pursuant to Subdivision 1 herein, at the property owner's expense.

C. Five years after the date on which the City Council accepted public street improvements on any plat, public sidewalks shall be installed on the remaining undeveloped lots in that plat, on which public sidewalks have not been installed, pursuant to Subdivision 1 herein, at the property owner's expense.

D. A building permit is issued for a new dwelling in zones R-1, R-2, R-3, RM-1, RM-2 or PRO, in which case the property owner shall be responsible for installation and expense of the sidewalk, except that new dwelling frontage on rural designed street sections shall not require sidewalk installation until such time as the street is reconstructed to an urban design.

E. No variance to this subdivision shall be granted without the approval of the City Council. No variance to this subdivision shall be granted unless the property owner can show that strict enforcement of this subdivision would result in unnecessary hardship not caused

of created by the property owner.

F. If a property owner who is responsible for the installation of a sidewalk hereunder has failed to install the sidewalk within six months after issuance of the occupancy permit and has not obtained a variance, the City Engineer may provide for the installation of the sidewalk, and costs may be charged back to the property.

**SECTION 2: Effective Date.** This ordinance shall be in full force and effect fourteen (14) days after its adoption and publication in accordance with the City Charter. Introduced the **29th** day of **2007**. Adopted the

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